

HOLLEY DRIGGS
WALCH FINE PUZEY STEIN THOMPSON

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SONOMA SPRINGS LIMITED
PARTNERSHIP, a Nevada limited partnership,
and SONOMA SPRINGS ASSOCIATES, LLC,
a Nevada limited liability company,

Plaintiffs,

v.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland Corporation and
ZURICH AMERICAN INSURANCE
COMPANY OF ILLINOIS, a Maryland
Corporation and DOES 1-20, inclusive,

Defendants

Case No.: 3:18-CV-0021-LRH-VPC

**STIPULATION AND ORDER
REGARDING DISCOVERY**

IT IS HEREBY STIPULATED by and between Plaintiffs, SONOMA SPRINGS LIMITED PARTNERSHIP and SONOMA SPRINGS ASSOCIATES, LLC, (hereinafter collectively "Plaintiffs"), by and through their counsel of record, JAMES W. PUZEY, ESQ. and

AUDREY DAMONTE, ESQ., of HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON and Defendants, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and ZURICH AMERICAN INSURANCE COMPANY OF ILLINOIS, (hereinafter collectively "Defendants") by and through their counsel of record, DAVID SLAUGHTER, ESQ., of SNOW CHRISTENSEN & MARTINEAU hereby stipulate as follows:

Ascent Construction, Inc. v. Sonoma Springs Limited Partnership, et al., is currently pending as Case No. CV21,053 in the Sixth Judicial District Court of the State of Nevada in and for the County of Humboldt (sometimes referred to as the "State case"). Sonoma Springs Limited Partnership, et al. v. Fidelity Deposit, et al. is currently pending as Case No. 3:18-CV-0021-LRH-VPC in the U.S. District Court for the District of Nevada (sometimes referred to as the "Federal case"). The Federal case, originally filed in the Sixth Judicial District Court in Humboldt County, Nevada, was removed to the United States District Court on January 18, 2018, by Defendants, Fidelity and Deposit Company of Maryland and Zurich American Insurance Company of Illinois.

In the interest of judicial economy, and specifically to avoid or minimize the commitment of time and expense in the potential duplication of discovery and disclosures that may be relevant to both cases, the parties desire the flexibility of utilizing in both the Federal case and State case the documents and evidence obtained and/or produced through discovery in either the Federal and/or State cases, and to that end hereby stipulate and agree, as follows:

1. Without conceding relevance and subject to any objection based upon the admissibility of the evidence, including but not limited to hearsay objections, all deposition testimony and the exhibits of all deponents obtained in either the Federal or State case may be used as evidence in one or both of said cases.

2. The expert witness designations, expert reports and opinions, and expert witness rebuttals obtained in either the Federal or State case may be used as may be allowed under applicable rules of evidence, in either or both of said cases.

3. Without conceding relevance and subject to any objection based upon the admissibility of the evidence, including but not limited to hearsay objections, all of the

documents produced by either party or obtained pursuant to a Subpoenas Duces Tecum in either the Federal or State case may be used as evidence in one or both of said cases.

4. Without conceding relevance and subject to any objection based upon the admissibility of the evidence, including but not limited to hearsay objections, all of the documents produced by third parties via electronic means or portable data storage to which both parties have or may access in either the Federal or States case may be used in one or both of said cases.

5. Each witness designated as such in either the Federal or State case shall be treated as having been designated or disclosed as a witness in one or both of said cases.

6. Without conceding relevance and subject to any objection based upon the admissibility of the evidence, including but not limited to hearsay objections, all documents to which both parties have access through the construction management programs of ProCore and Submittal Exchange may be used as evidence in either or both of said cases.

Dated: January 10, 2019

Dated: January 10, 2019

**HOLLEY DRIGGS WALCH FINE
PUZEY STEIN & THOMPSON**

SNOW CHRISTENSEN & MARTINEAU

/s/ James W. Puzey

/s/ David W. Slaughter

JAMES W. PUZEY, ESQ.
Nevada Bar No. 5745
AUDREY DAMONTE, ESQ.
Nevada Bar No. 4244
800 S. Meadows Parkway
Suite 800
Reno, Nevada 89521
Telephone: 775 851-8700

DAVID SLAUGHTER, ESQ.
10 Exchange Place, 11th Floor
Salt Lake City, Utah 84111
Dated:

JASON W. PEAK, ESQ.
RYAN W. LEARY, ESQ.
Laxalt & Nomura, Ltd.
9790 Gateway Dr., Ste. 200
Reno, NV 89521
Attorneys for Defendants

Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.

DATED this 15th day of January, 2019


UNITED STATES MAGISTRATE JUDGE